

1 Defendant first argues that the Court committed manifest error in its prior ruling because
2 it relied on inadmissible evidence presented by Plaintiff to conclude that a question of fact existed
3 with respect to the vessel's readiness. Dkt. #68-1 at 1-7. Specifically, Defendant argues that two
4 exhibits considered by the Court were unauthenticated, and therefore inadmissible, and that those
5 two exhibits also constituted inadmissible hearsay. *Id.*

6
7 With respect to authenticity, the Court finds Defendant's argument disingenuous. First,
8 Defendant has already admitted during discovery that one of the documents is authentic. Dkt.
9 #71, Ex. 1 at 2. Second, the Court agrees with Plaintiff that the documents at issue have been
10 properly authenticated by review of their contents and in consideration of the context in which
11 they were used. *See* Dkt. #69 at 5. Likewise, the Court is also not persuaded by Defendant that
12 the documents at issue are hearsay. Both of the documents fall within the hearsay exception
13 under Federal Rule of Evidence 803(6).
14

15 The Court also finds that Defendant has not present new facts or legal authority which
16 could not have been brought to the Court's earlier attention with reasonable diligence. Indeed,
17 Defendant was made aware of Plaintiff's proposed trial witnesses on May 26, 2017, prior to the
18 due date of its supplemental briefing on summary judgment. Dkt. #68-3. Further, the argument
19 presented by Defendant in the instant motion with respect to the Court's interpretation of the
20 effect of the Booking Note's Notice of Readiness provisions was already presented to the Court
21 on the motion for summary judgment, and the Court rejected that argument for the reasons set
22 forth previously. *See* Dkts. #68-1 at 7-10 and #62.
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25 Accordingly, for all of these reasons, Defendant's Motion for Reconsideration (Dkt. #63)
26 is DENIED.
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DATED this 20th day of September, 2017.

A handwritten signature in black ink, appearing to read 'R. Martinez', is positioned above a horizontal line.

RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE